

March 14, 2014



U.S. Department
of Transportation

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 13601
(SEVENTH REVISION)

EXPIRATION DATE: January 31, 2018
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: DS Containers
Batavia, IL
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the manufacture, marking, sale and use of non-DOT specification containers for the transportation in commerce of certain non-flammable aerosols containing foodstuffs at pressures exceeding those authorized. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(b)(1), in that the authorized container pressure is exceeded and § 178.33 in that certain deviations to the specification are authorized as specified herein.

5. BASIS: This special permit is based on the application of DS Containers dated January 8, 2014, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aerosols, non-flammable (<i>each not exceeding 1 L capacity</i>)	2.2	UN1950	N/A
Consumer commodity	ORM-D	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification inner non-refillable metal container. The container, as designed without a pressure relief device must have a minimum design burst pressure of 270 psig. The container must be in conformance with the requirements of a DOT Specification 2P container (§ 178.33), except as follows:

§ 178.33-6 Manufacture.

(a) * * *

(b) * * *

(1) * * *

(2) Side seams not permitted.

(c) Ends: The ends shall be designed to withstand pressure. The end is equipped with either a pressure relief device (PRD) consisting of scored vent sites, or an "end expansion device" designed to buckle prior to the burst of the container.

§ 178.33-8 Tests.

Each 25,000 containers or less, successively produced as a batch or part thereof shall constitute a lot. A lot is defined as containers of like material, size, design construction, finish and quality and built to the same specification by one manufacturer only. One container taken randomly from each lot and complete with ends assembled must be pressure tested to destruction. For cans with a PRD, failure at a pressure below 175 or over 210 psig will reject the lot. In addition, the lot of cans with a PRD must be rejected if the failure occurs at other than the PRD. For containers with "end expansion devices", the lot must be rejected if the container bursts prior to buckling of the end expansion device. If the test container fails to meet the above requirements, the lot shall be rejected. However, 10 additional containers may be selected at random and subjected to the test. Should any of the ten containers thus tested fail, the entire lot must be rejected.

§ 178.33-9 Marking.

(a) * * *

(1) Container must be marked "DOT-SP 13601" in lieu of "DOT 2P".

(2) * * *

b. OPERATIONAL CONTROLS: Containers may be shipped in accordance with the requirements of § 173.306(b). Containers must be in conformance with § 173.306(b)(1) except that the maximum pressure of the contents is 160 psig at 130°F.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

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- b. A person who is not a holder of this special permit, but receives a packaging covered by this special permit, may reoffer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.
 - c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
 - d. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.
 - e. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.
 - f. Prescribed packages which meet the § 171.8 definition of "Consumer commodity" may be shipped in accordance with § 173.306(i).
- 9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger aircraft.
 - 10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or aircraft used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.
 - 11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident

involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: CWF:dl